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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/311,501	06/09/2003	Morihiko Uchida	42598-1800	7664

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EXAMINER

CHOW, LIXI

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/311,501

Applicant(s)

UCHIDA ET AL.

Examiner

Lixi Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 is incomplete and therefore indefinite since the claim is dependent on claim 3, which was cancelled by the applicant.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masanao (JP 10-11955, see the electronic translation for the paragraph citations) in view of Shirai (US patent, 6643085).

Referring to claim 1:

Masanao discloses a disk drive device comprising a signal detection section that detects a disk signal and a disk ejection mechanism that ejects a disk (see Masanao, paragraph [0003]; the sensors mentioned in paragraph [0003] detects the disk signal; and the injection discharge section (4) ejects the disk), characterized in that said disk drive comprises:

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mechanism control means that controls the drive of said disk ejection mechanism and authentication control means that outputs a disk ejection instruction to said mechanism control means when a disk ejection instruction and authentication information are input (see Masanao, paragraphs [0007] and [0008]; the processor (200) controls the motor that ejects the disk; and the password which is the authentication means that is stored in the nonvolatile memory);

said authentication control means being connected with authentication information input means that inputs authentication information (see Masanao, paragraph [0008]; the password is entered and stored in the processor as authentication information); and

said authentication control means comprises:

an authentication information storage section that stores prescribed authentication information (see Masanao, paragraph [0008]);

a decision section that determines whether or not the authentication information that is input from said authentication information input means agrees with the authentication information that is stored in said authentication information storage section (see Masanao, paragraph [0008]); and

a disk ejection instruction section that outputs a disk ejection instruction to said mechanism control means if a disk ejection instruction is input and said decision section determines that the authentication information is in agreement (see Masanao, paragraph [0031]);

Masanao discloses all the limitations in claim 1, except Masanao does not show the authentication information being disk-specific information. However, Shirai

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discloses a control unit for a disk drive comprises of authentication information being disk-specific information (see Shirai, Fig. 1, Col. 5, lines 46-55, and Col. 6, lines 4-20).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the authentication information being disk-specific information for the disk drive device of Masanao as suggested by Shirai. One of ordinary skill in the art would have been motivated to do this, because registration of the password would not be necessary, since the disk drive automatically records the disk information in the memory.

Referring to claim 2:

Masanao discloses a disk drive device as in claim 1, characterized in that said disk ejection mechanism comprises a loading roller that is arranged so as to be capable of feeding a disk by rotation and a motor constituting a drive power source of said loading roller (see Masanao, paragraph [0005]).

Referring to claims 4 and 10:

Masanao discloses a disk drive as in claims 1 and 2, characterized in that said authentication information includes a password (see Masanao, paragraph [0029]).

Referring to claims 5 and 11:

Masanao discloses a disk drive device as in claims 1 and 2, characterized in that said authentication information input means comprises a plurality of switches operated by a plurality of buttons (see Masanao, paragraphs [0029] and [0031]; the ten key (500) are buttons that operate the switches); and

said authentication information includes information relating to a combination of sequence and number of times of switch changeover in accordance with the operation of

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said plurality of buttons (see Masanao, paragraphs [0026] and [0029]; the password is character string that is stored in the ALU (280); the sequence is created by the user using the ten key (500); and the number of times of switch changeover is the result of the keys being pressed.

5. Claims 6-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masanao and Shirai as applied to claim 1 above, and further in view of Juergen (JP 2000-085536, see the electronic translation for paragraph citations).

Referring to claims 6 and 12:

Masanao and Shirai disclose all the limitations for a disk drive device in claims 1 and 2 for the reason above in the 103 rejection.

Masanao and Shirai do not, but Juergen discloses a security system, characterized in that said authentication information input means comprises a voice identification section, and said authentication information includes speaker-limiting voice information (see Juergen, paragraphs [0017]-[0019]).

It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to include the security system that employs the voice recognition unit that is used by Juergen in the disk drive device of Masanao and Shirai. One of ordinary skill in the art would have been motivated to do this, because voice pattern of the disk owner would be harder to obtain than password that contains only characters.

Referring to claims 7 and 13:

Masanao and Shirai disclose all the limitations for a disk drive device in claims 1 and 2 for the reason above in the 103 rejection.

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Masanao and Shirai do not, but Juergen discloses a security system, characterized in that authentication information input means comprises a fingerprint identification section, and said authentication information includes fingerprint information (see Juergen, paragraph [0024]).

It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to include the security system that employs the fingerprint identification unit that is used by Juergen in the disk drive device of Masanao and Shirai. One of ordinary skill in the art would have been motivated to do this, because fingerprint of the disk owner would be harder to obtain than password that contains only characters.

Referring to claims 8 and 14:

Masanao and Shirai disclose all the limitations for a disk drive device in claims 1 and 2 for the reason above in the 103 rejection.

Masanao and Shirai do not, but Juergen discloses a security system, characterized in that said authentication information input means comprises a retinal pattern detection section, and said authentication information includes retinal pattern information (see Juergen, paragraphs [0022] and [0023]; the video camera scan both the face and the iris (the pattern of the retinal), this satisfy the applicant's disclosure (only the retinal pattern is obtain by the applicant's disclosure).

It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to include the security system that employs the retinal pattern detection unit that is used by Juergen in the disk drive device of Masanao and Shirai. One of ordinary skill in the art would have been motivated to do this, because retinal

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pattern of the disk owner would be harder to obtain than password that contains only characters.

Referring to claims 9, 15, and 17-21:

The combination of Masanao and Shirai disclose all the limitations for a disk drive device in base claims 1, 2, 4, and 5. The combination of Masanao, Shirai, and Juergen disclose all the limitations in base claims 6-8 for the reason above in the 103 rejection.

The primary references do not, but Juergen discloses a security system, characterized in that the authentication information used in the determination by said decision section is at least two of a plurality of types of authentication information or is one or other of at least two types of the plurality of authentication information (see Juergen, paragraph [0027]; Juergen suggested that two forms of security check are used in order to further prevent theft or insurance fraud).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to employ at least two types of authentication information in a security system of the primary references as suggested by Juergen. One of ordinary skill in the art would have been motivated to do this, because having at least two forms of authentication information would add more protection against theft and makes it harder for someone, who has the intention to steal.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lixi Chow whose telephone number is 703-305-0557. The examiner can normally be reached on Mon-Fri, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 703-305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LC 11/30/04



W. R. YOUNG
PRIMARY EXAMINER